

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WARREN EASTERLING,

Plaintiff,

:

Case No. 3:19-cv-112

- vs -

Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

DONALD J. TRUMP, et al.,

Defendants.

:

**ORDER TO THE CLERK REGARDING ISSUANCE OF ALIAS
PROCESS**

The docket in the above case indicates that on July 5, 2019, the Clerk, through Deputy Clerk Jeffrey Garey, issued to Plaintiff at his request an alias summons directed to the President of the United States in care of the Attorney General of the United States at 950 Pennsylvania Avenue Northwest in Washington, D.C.

Original process directed to the President was issued by the Clerk on April 16, 2019, and directed to be served at the purported U.S. Attorney's Office at 221 East Fourth Street, Dayton, Ohio (ECF No. 2, PageID 140). As the Magistrate Judge has pointed out to Plaintiff, that address is a parking lot between St. Clair Street and Kenton Street in Dayton; no one, much less the United States Attorney, has an office at that address.

The Magistrate Judge had repeatedly ordered the Plaintiff to file proof of service in this case which he has repeatedly failed to do. Deputy Clerk Garey has confirmed that, as with prior process, Plaintiff did not tender any certified mail envelopes to the Clerk for serving the Alias Summons, but merely took the paper and left, at least permitting the inference that he intends to serve the summons himself, in violation of Fed.R.Civ.P. 4(c)(2).

It is the Clerk's duty to issue process on request if it is proper as to form. Fed.R.Civ.P. 4(b). At the same time, a summons constitutes an order of this Court that the party on whom its is properly served respond within a time certain. The Court has a duty to ensure that its process is not abused. Therefore is it hereby ORDERED that upon issuance of any additional process in this case, the Clerk immediately present the undersigned with a copy of that process. Plaintiff is cautioned that improper process will be quashed by the Court *sua sponte*.

Plaintiff is ordered to file proof of the service made on the summons issued July 5, 2019 (ECF No. 34) in the form required by Fed.R.Civ.P. 4(l) as soon as it is made.

July 9, 2019.

s/ ***Michael R. Merz***
United States Magistrate Judge